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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

In re the Marriage of RICHARD D. and DORIS K.
LOCKWOOD.

C087905

RICHARD D. LOCKWOOD,

(Super. Ct. No. 151473)

Respondent,

v.

DORIS K. LOCKWOOD,

Appellant.

Doris Lockwood appeals the trial court's order in which it declined to compel postjudgment discovery in this marital dissolution proceeding. Doris contends the trial court misapplied Family Code section 218. Because we review the trial court's result, not its reasoning, and because Doris is not entitled to the relief she seeks, we will affirm the trial court's order.

BACKGROUND

According to Doris, a judgment for dissolution of marriage was entered in 2005, and since then the parties have been litigating a federal retirement election. On April 20, 2018, Doris filed a request for order. The caption of her request for order indicated that she sought a motion to adjudicate omitted assets and for enforcement of the judgment and qualified domestic relations order. On page four of the request for order, Doris identified other orders requested as follows: "I request adjudication of assets, particularly

retirement-related benefits, omitted from [ex-husband Richard Lockwood's] disclosures and the judgment in this matter. I also request an order requiring [Richard] to name me as a beneficiary on his government-subsidized life insurance policy.” The request for order included an attachment in support of the requests. The attachment referenced a life insurance policy disclosed by Richard, along with additional optional coverage, and then stated: “[Richard] simply needs to be ordered to produce the policies” The request for order was initially scheduled for hearing on May 21, 2018, but was subsequently continued to June 11, 2018.

Richard opposed the request for order. In the conclusion of her reply, Doris asserted she was “entitled to engage in discovery” to determine if Richard had a life insurance policy, adding: “[Doris] respectfully requests the *Court* engage in discovery regarding the existence of omitted assets and life insurance policies” (Italics added.)

The request for order was heard on June 11, 2018, and the trial court took the matter under submission. The trial court ultimately denied Doris’s requested relief.

DISCUSSION

Doris argues the trial court misapplied Family Code section 218. That section provides: “With respect to the ability to conduct formal discovery in family law proceedings, when a request for order or other motion is filed and served after entry of judgment, discovery shall automatically reopen as to the issues raised in the postjudgment pleadings currently before the court. The date initially set for trial of the action specified in subdivision (a) of Section 2024.020 of the Code of Civil Procedure shall mean the date the postjudgment proceeding is set for hearing on the motion or any continuance thereof, or evidentiary trial, whichever is later.”

“In reviewing a trial court’s decision, we review the result, not the reasoning. A decision right in result will not be reversed because it is based on an erroneous theory. [Citation.]” (*Florio v. Lau* (1998) 68 Cal.App.4th 637, 653.) Here, Doris filed and served a request for order after entry of judgment. Pursuant to Family Code section 218,

discovery automatically reopened as to the issues raised in her request for order. Doris had the opportunity to serve discovery requests, and did not need court permission to do so; but there is nothing in the appellate record indicating that she propounded such discovery.

In oral argument, Doris's counsel asserted that Doris could not propound discovery because there was no time to do so prior to the hearing. Doris argues she should have had more time to propound discovery: in her appellant's opening brief, she noted that Family Code section 218 sets the discovery deadline as the date of the hearing or evidentiary trial, whichever is later. However, there was no additional evidentiary trial after the hearing in this case, and in any event, there is no indication in the record that Doris's counsel brought a concern about timing to the trial court's attention prior to the hearing or that counsel asked for a continuance of the hearing so that Doris could obtain any desired discovery prior to the statutory deadline. Instead, Doris's reply brief suggested she wanted the trial court to conduct the discovery for her. The trial court did not err in declining to conduct discovery for Doris, and it did not err in declining to compel discovery responses for discovery requests Doris did not formally propound. Her arguments lack merit.

DISPOSITION

The order of the trial court is affirmed.

/S/
MAURO, J.

We concur:

/S/
RAYE, P. J.

/S/
BLEASE, J.